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10/736,669

12/17/2003

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05/07/2007

EXAMINER

SONI, KETAN S

ART UNIT

PAPER NUMBER

2609

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DELIVERY MODE

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/736,669

Applicant(s)

TSAI, SHIANG-YI

Examiner

Ketan Soni

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on Dec/17/03.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date None Submitted.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

**Information Disclosure Statement**

No information disclosure statements submitted, hence no record has been made in the application file.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless —(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3, 4 and 5 are rejected under 35 U.S.C. 102(e) as being anticipated by Stephens et al. (US 7170857 B2).

Consider **claim: 1**, Stephens et al. discloses an automatic internet communication device (In distributed computing environments where tasks or modules are performed by remote processing devices and which are linked through a communications network, such as a LAN, WAN, or the Internet. In a distributed computing environment, program modules or sub-routines may be located in both local and remote storage devices,

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column: 6, lines: 53-56), characterized in a configuration having a mouthpiece (The cordless headset provides cordless audio services (e.g., microphone and speaker functions) to both of the devices 118 and 120 utilizing a Bluetooth (for connecting to the network for both Audio (synchronous) and Packet data (Asynchronous)) headset profile included in each of the devices 118, 120, 124 and the access points 132, 134, 136, column: 7, lines: 62-65), which is enabled through connection to input/output ports of a computer (As shown in Figure: 5, cordless headset 124 communicates via link to the access point gateway computer 134 for providing the input/output interface), whereby, upon an on-line communication system or software administrative staff linking-up (service device is connect or link with the service device. Continuing the Bluetooth example, the user device wirelessly links with a Bluetooth router or access point. The access point, in turn, is connected to one or more devices, including the service device, via a local area network (LAN), column: 1, lines: 41-45), the mouthpiece actualizes convenience of establishing on-line network communication (Referring to FIG. 5, another example of the transparent virtual linking service provided by the virtual linking system 100 is illustrated. The first user device 118 (e.g., a Bluetooth enabled PDA) and the second user device 120 (e.g., a Bluetooth enabled cell phone) are virtually linked to the first service device 124 via the access points 132, 134, 136. Bluetooth links 500, 502 and 504 are respectively established between the device 118 and the access point 132, between the device 124 and the access point 134, and between the device 120 and the access point 136. The cordless headset provides cordless audio services (e.g., microphone and speaker functions), column: 7, lines: 53-64).

Consider **claim: 3**, and as applied to claim: 1 above, Stephens et al. discloses the Automatic Internet communication device, wherein the mouthpiece and a keyboard are configured as a single unit, and an input/output resource of the keyboard provides required electric power (The advertise to field 1416 includes a list of device types that the discovered device can typically provide services to, absent permission restrictions, location restrictions, etc. The list of device types to advertise to, e.g., PDAs (similar to wireless keyboard with built in microphone and speaker) only, headsets only (for audio-Microphone and speaker), all devices, etc., is a default value, column: 13, lines: 57-61).

Consider **claim: 4**, and as applied to claim: 1 above, Stephens et al. discloses the automatic internet communication device, wherein the keyboard and mouthpiece are configured as a transmitter terminal and a receiver terminal respectively, thereby establishing wireless communication (Bluetooth refers to a specification configured to standardize wireless transmission between a wide variety of devices, such as computers, cordless telephones, headsets, printers, PDAs, etc. Bluetooth acts as a "virtual cable," whereby a computer can automatically use a mobile telecommunications device (such as a cell phone) to send data wirelessly, such as exchange e-mails, transmit data to a fax machine, etc., column: 7, lines: 5-11).

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Consider **claim: 5**, and as applied to claim: 1 above, Stephens et al. discloses the automatic internet communication device, wherein the mouthpiece is configured with a cutover switch, thereby enabling cutover of accepting or refusing on-line network communication link-up (As shown in Figure: 1 and 12, A network device, such as the switch 104, may be coupled to yet another network, such as a public switched telephone network (PSTN which is a telephone network for allowing or denying the call), column: 5, lines: 33-35).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

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**Claim 2** is rejected under 35 U.S.C. 103(a) as being unpatentable over Stephens et al. (US 7170857 B2) in view of Bussan et al. (US 6625474 B1).

Consider **claim: 2**, and as applied to claim: 1, Stephens et al. discloses the automatic internet communication device, wherein the mouthpiece comprises an in-coming signal prompt device, but are generally silent on how to trigger a music prompt upon receiving an in-coming signal, and allows a user to set time period the music prompt plays as well as adjust sound volume, and record or edit whatever sound the user wishes the music prompt to play.

However in the same field of endeavor, Bussan et al. discloses how the mouthpiece triggers a music prompt upon receiving an in-coming signal (The wireless communication apparatus 100 includes an alert transducer 104, such as a vibrator, speaker or display screen, which provides an alert to a user that an incoming call is being received, column: 2, lines: 40-44; The alert transducer 104 may be an audio transducer, such as a speaker, and is operative to output an audio alert, such as an audible output, in response to an incoming call message 108 received, column: 2, lines: 47-50), and allows a user to set time period the music prompt plays as well as adjust sound volume, and record or edit whatever sound the user wishes the music prompt to play (Formatting the Audio: Alternatively, the answer call message 126 can be a post connection greeting in a single message. The call processor 118 also receives the filtered input audio answer signal 122, such as a pre-connection greeting like the word

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"hello", for formatting (changing the file, length, and duration) and outputs the pre-connection signal as pre-connection audio information 127, column: 3, lines: 35-40).

Therefore it would have been obvious to a person with ordinary skill in the art at the time the invention was made to incorporate and provide a link through a communications network, such as a LAN, WAN, or the Internet with the audio Transreceiver with or without headsets as disclosed by Stephens et al. further modified by Bussan et al. for using an alert transducer communicating with the network.

### **Conclusion**

The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

- White et al. (U.S. Patent # US 7187947 B1) discloses: System and Method for communicating selected information to an electronic device.
- Henry et al. (US 6832225 B1) discloses: Method and device for recording and searching for a document in a communications network.
- Bork et al. (U.S. Pub # 2002/0010008 A1) discloses: Wireless Communication device having intelligent alerting system.
- Nishikawa et al. (U.S. Patent # 6348932 B1) discloses: Provide two different types of service in a menu.
- Chung (U.S. Patent # 6628963 B1) discloses: Portable multimedia player.



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- Nishikawa et al. (U.S. Patent # 6351270 B1) discloses: Miniature video in the guide logo.

Any response to this Office Action should be **faxed to (571) 273-8300 or mailed to:**

Commissioner for Patents  
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**Hand-delivered responses** should be brought to:

Customer Service Window  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ketan Soni whose telephone number is (571) 270-1782.

The Examiner can normally be reached on Monday-Thursday from 6:30am to 5:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Rafael Pérez-Gutiérrez can be reached on 571-272-7915. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

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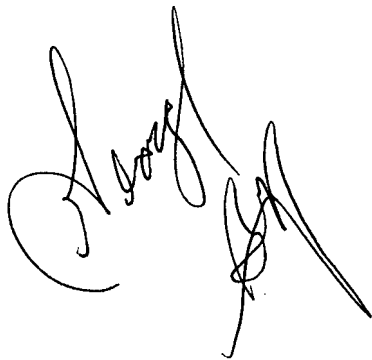
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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

Ketan Soni

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April 26, 2007.

A handwritten signature in black ink, appearing to read 'Ketan Soni', with a large, stylized initial 'K' and a long, sweeping horizontal stroke at the end.